United Nations CRPD/C/GTM/CO/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Guatemala*

I. Introduction

1. The Committee considered the initial report of Guatemala (CRPD/C/GTM/1) at its 279th and 280th meetings (see CRPD/C/SR.279 and 280), held on 22 and 23 August 2016. At its 293rd meeting, held on 31 August 2016, it adopted the following concluding observations.

2. The Committee welcomes the submission of the initial report of Guatemala and thanks the State party for its written replies (CRPD/C/GTM/Q/1/Add.1) to the list of issues drawn up by the Committee (CRPD/C/GTM/Q/1) and for its oral replies to the questions asked during the dialogue.

3. The Committee commends the State party on its delegation, which included a large number of representatives and was headed by the Deputy Minister for Policy, Planning and Evaluation from the Ministry of Development.

4. The Committee expresses its appreciation for the cordial and constructive dialogue held between the delegation and the members of the Committee.

II. Positive aspects

5. The Committee congratulates the State party on the progress made in several areas related to the rights of persons with disabilities.

6. The Committee is pleased to note the efforts made by the State party to implement the Convention through the adoption of laws, plans and programmes, including the following:

(a) The reform of the Organic Law of the Congress of the Republic to include the Commission on Disability;

(b) The creation of municipal disability offices and departmental commissions on disability;

* Adopted by the Committee at its sixteenth session (15 August-2 September 2016).

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(c) The ratification of the World Intellectual Property Organization (WIPO) Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

(d) The ongoing development of the 2016 National Survey on Disabilities.

III. Subjects of concern

A. General principles and obligations (arts. 1-4)

7. The Committee is concerned by the fact that the State party has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

8. **The Committee encourages the State party to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

9. The Committee is concerned that the State party has not established a procedure for certifying degree of disability and that assessments are made on the basis of a medical and charity-based approach.

10. **The Committee recommends that the State party define the criteria for assessing the degree of a person's disability in accordance with the human rights principles enshrined in the Convention and establish appropriate regulation in its legislation and policies. It also recommends that the State party ensure that all persons with disabilities are able to obtain a disability certificate free of charge, so as to facilitate the assessment process in rural and remote areas.**

11. The Committee notes that the State party has not yet conducted a cross-cutting review of its legislation with a view to bringing it into line with the Convention and that laws, regulations, customs and practices that constitute serious discrimination against persons with disabilities continue to be implemented.

12. **The Committee recommends that the State party conduct a comprehensive, cross-cutting review of its legislation and policies in order to align them with the Convention. In addition, the Committee recommends that the State party expedite the process of approval of Framework Bill No. 5125 on disability, which provides a response in line with the Convention.**

13. The Committee notes with concern that persons with disabilities, especially women, children and indigenous peoples, are subject to serious forms of discrimination. The Committee is also concerned by the fact that the National Disability Policy is not being effectively implemented by all of the ministries and public institutions concerned. It is also concerned by the lack of consultation with organizations of persons with disabilities to ensure the allocation of the necessary resources and the introduction of an implementation schedule and monitoring and evaluation mechanisms.

14. **The Committee recommends that the State party ensure the effective implementation of its National Disability Policy by all ministries and public institutions concerned, allocate the necessary resources and establish an implementation schedule and a monitoring mechanism, in consultation with organizations of persons with disabilities. The Committee also recommends that the State party mainstream disability and allocate the necessary resources to the National Development Plan, K'atun nuestra Guatemala 2032, ensuring that persons with disabilities participate in the urban and rural development councils that are**

responsible for monitoring its implementation. In addition, the Committee recommends that a national policy be drawn up on the elimination of all forms of discrimination against persons with disabilities, in accordance with the Convention.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

15. The Committee is concerned that persons with disabilities, especially persons with intellectual and psychosocial disabilities, women, children and indigenous peoples, are regularly subjected to multiple forms of discrimination and that their human rights are limited or restricted by the law. It is also concerned that the legislation of the State party does not recognize multiple, intersectional discrimination or the denial of reasonable accommodation as aggravated forms of discrimination against persons with disabilities.

16. **The Committee recommends that the State party review all of its legislation and policies on equality and non-discrimination with a view to ensuring the full enjoyment by persons with disabilities of all human rights on an equal basis with others and that it recognize multiple, intersectional discrimination and the denial of reasonable accommodation as aggravated forms of discrimination against persons with disabilities in its legislation and policies.**

17. The Committee is concerned by the limited number of complaints, records and decisions concerning cases of discrimination on the basis of disability and by the failure to inform persons with disabilities of the legal remedies available to combat discrimination.

18. **The Committee recommends that the State party allocate resources to the Office of the Human Rights Advocate to ensure that cases of discrimination against persons with disabilities are recorded and ruled upon, as well as to distribute information widely in an accessible form to all persons with disabilities regarding the legal remedies available to combat discrimination, particularly in institutions that provide care for persons with disabilities, in rural areas and remote communities. The Committee also encourages the State party to conduct campaigns to fight discrimination against persons with disabilities, targeting the legal profession, including officials of the judiciary and lawyers. Lastly, the Committee recommends that the State party be guided by article 5 of the Convention in its implementation of targets 10.2 and 10.3 of the Sustainable Development Goals.**

Women with disabilities (art. 6)

19. The Committee is concerned by the lack of attention paid by the State party to preventing and combating the intersectional discrimination that is frequently suffered by women and girls with disabilities.

20. **The Committee recommends that the State party, in consultation with organizations of women with disabilities and taking into account the Committee's general comment No. 3 (2016) on women and girls with disabilities, ensure the inclusion of women and girls with disabilities in all policies and programmes on gender equality and discrimination and take remedial measures and affirmative action to eliminate discrimination against them and to empower them, making sure to include those living in rural areas or indigenous communities. The Committee also recommends systematically compiling data and statistics on the situation of women and girls with disabilities and establishing indicators that can be used to assess the impact of the measures taken to counter discrimination against them. The Committee encourages the State party to entrust the Presidential Secretariat for Women with the task of allocating dedicated human and financial resources to the advancement and**

empowerment of women with disabilities. It also recommends that the State party be guided by article 6 of the Convention in its implementation of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals.

21. The Committee is concerned by the fact that the legislation of the State party limits or restricts the sexual and reproductive rights of women and girls with disabilities.

22. **The Committee recommends that the State party bring its legislation on sexual and reproductive rights into line with the Convention and ensure that those rights are not limited or restricted for women and girls with disabilities.**

Children with disabilities (art. 7)

23. The Committee is concerned at the high rate of maltreatment, abuse, corporal punishment, abandonment and institutionalization of children with disabilities; at the prevalence of the welfare and charity-based approach to their care; and at the limited scope of specific measures taken on their behalf in rural areas and indigenous communities.

24. **The Committee recommends that the State party:**

(a) **Amend article 13 of the Act on the comprehensive protection of children and adolescents and article 253 of the Civil Code, as recommended by the Committee on the Rights of the Child (see CRC/C/GTM/CO/3-4, para. 54);**

(b) **Take all necessary measures to implement an effective system for detecting the maltreatment of children with disabilities in family, educational, health-care and institutional settings, and entrust the Office of the Advocate for Children and Adolescents with addressing the issue of children with disabilities who are subjected to abuse and maltreatment;**

(c) **Establish the legal basis and financial support necessary to ensure that all children with disabilities are able to live in a family setting and to exercise their right to inclusive local services for children;**

(d) **Ensure that children with disabilities are taken into account in laws, policies and measures regarding children, on an equal basis with other children and based on the principle of inclusion in the community;**

(e) **Put in place safeguards to protect the right of children with disabilities to be consulted on all matters of concern to them and ensure that they receive assistance that is accessible and appropriate to their disability and age;**

(f) **Prohibit and eliminate corporal punishment of children.**

Awareness-raising (art. 8)

25. The Committee is deeply concerned by the fact that persons with disabilities, especially women, children and indigenous peoples, are victims of customs, superstitions and practices that seriously violate their dignity, safety and other fundamental rights. It also notes that the State party's efforts to combat biased views and negative stereotypes of persons with disabilities are insufficient and that campaigns such as the Telethon, which is a recipient of public funding, reinforce a charity-based approach that runs counter to the Convention.

26. **The Committee recommends that the State party combat stereotyping of and discrimination against persons with disabilities, launch public media campaigns to promote their human rights in which they are directly involved, and ensure that public funding is not used for purposes that violate the Convention. The Committee also recommends that the State party provide training for public officials at all levels**

and for professionals who work with persons with disabilities on the rights recognized in the Convention and that it distribute the Convention and the resources available for its implementation widely among persons with disabilities and their families, especially in rural areas and indigenous communities.

Accessibility (art. 9)

27. The Committee notes that the Assistance to Persons with Disabilities Act (Decree No. 135-96) covers the regulation of issues regarding access to the physical environment, to transportation and to information and communications. However, it notes with concern that the Act does not stipulate penalties for non-compliance and that implementation of the Act is very limited, especially in rural areas and remote communities.

28. **The Committee recommends that the State party, in consultation with organizations of persons with disabilities, amend the Assistance to Persons with Disabilities Act (Decree No. 135-96) and all relevant legislation and adopt standards and regulations on accessibility, in accordance with the Committee's general comment No. 2 (2014) on accessibility, ensuring that they stipulate penalties for non-compliance. It also recommends implementing accessibility plans in rural areas and remote communities, with targets, time frames and the necessary resources, in the framework of the State party's policy on comprehensive rural development and infrastructure for development. In addition, the Committee recommends that the State party be guided by article 9 of the Convention in its implementation of targets 11.2 and 11.7 of the Sustainable Development Goals.**

Situations of risk and humanitarian emergencies (art. 11)

29. The Committee is concerned that the State party's action plans and national policy on preparedness and response in the event of humanitarian emergencies and natural disasters do not take into account the needs of persons with disabilities.

30. **The Committee recommends that the State party ensure that its action plans and national policy on preparedness and response in the event of humanitarian emergencies and natural disasters are inclusive and accessible to all persons with disabilities, focusing in particular on those living in rural and remote areas. It also recommends mainstreaming disability in its climate change policies and programmes, taking into consideration the outcomes of the Sendai Framework for Disaster Risk Reduction 2015-2030 with regard to persons with disabilities, the outcome document of the Climate Summit and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.**

Equal recognition before the law (art. 12)

31. The Committee notes with concern that a large number of persons with disabilities are subject to total or partial guardianship and therefore deprived of certain rights such as the right to vote, marry, found a family or manage assets and property. It is also concerned by the fact that the Civil Code provides for the restriction of the legal capacity of persons with disabilities and that, to date, no commitment has been made to bring it into line with the Convention.

32. **The Committee recommends that the State party take all appropriate measures to ensure that all persons with disabilities who have been deprived of their legal capacity can exercise all the rights enshrined in the Convention, as indicated in its general comment No. 1 (2014) on equal recognition before the law. The Committee also recommends that the State party repeal the existing systems of total and partial guardianship, under which a person has no or limited legal capacity, and develop**

systems of supported decision-making to enable and promote the realization of the rights of persons with disabilities.

33. The Committee is concerned that persons with disabilities who are institutionalized are automatically deprived of their legal capacity, with the director of the institution assuming the role of their guardian from then on.

34. **The Committee recommends that the State party ensure that all persons with disabilities who continue to be placed in institutions of any kind are not deprived of their legal capacity and are given access to systems of supported decision-making.**

Access to justice (art. 13)

35. The Committee is concerned about the limited access to justice enjoyed by persons with disabilities, particularly those living in rural areas and indigenous communities, the various barriers to accessibility and the lack of procedural accommodations provided for them. It is also concerned that justice officials are not sufficiently familiar with the Convention and therefore do not act in accordance with it.

36. **The Committee recommends that the State party adopt all necessary measures to combat the discrimination faced by persons with disabilities with respect to access to justice, ensure that the legal system is fully accessible and provide comprehensive reasonable and procedural accommodations. The Committee also recommends that the State party step up its efforts to provide training on the Convention for justice officials, especially in rural areas and remote communities. The Committee recommends that the State party be guided by article 13 of the Convention in its implementation of target 16.3 of the Sustainable Development Goals.**

37. The Committee notes with concern that, within the legal system of the State party, the credibility of the accounts of victims with disabilities, especially women and girls, tends to be called into question, which leads to cases not being properly investigated or recorded.

38. **The Committee recommends that the State party, through the judiciary, provide adequate training and appropriate human resources to the special courts set up to combat femicide and other forms of violence against women and to the free legal aid offices for women who are victims of violence, in order to ensure that women and girls with disabilities who suffer violence or abuse receive proper attention.**

Liberty and security of person (art. 14)

39. The Committee notes with concern that persons with intellectual or psychosocial disabilities have frequently been the subject of declarations of non-liability in the context of criminal proceedings, in the absence of procedural safeguards.

40. **The Committee recommends that the State party adopt the necessary measures to guarantee due process for persons with disabilities in the context of criminal proceedings, whether as indicted persons, victims or witnesses, and to define specific criteria for providing procedural and age-appropriate accommodations during such proceedings. It also recommends setting up training mechanisms for justice officials, prison officers and public officials responsible for law enforcement throughout the country in accordance with the Convention.**

41. The Committee notes with concern that, under the Civil Code, persons with disabilities may be deprived of their liberty on grounds of disability.

42. **The Committee urges the State party to bring its laws and policies into line with article 14 of the Convention, by ensuring that persons with disabilities are not**

deprived of their liberty on grounds of disability. The State party is encouraged to refer to the Committee's guidelines on article 14.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

43. The Committee is concerned that the steps being taken by the State party, in response to the concluding observations of the Committee against Torture (CAT/C/GTM/CO/5-6), to separate convicted prisoners and persons with disabilities in mental health hospitals, closed institutions and prisons, and the implementation of the precautionary measures requested by the Inter-American Commission on Human Rights for persons with disabilities at the Federico Mora National Mental Health Hospital, do not adequately protect persons with disabilities and are not in line with the Convention.

44. **The Committee recommends that the State party duly implement the concluding observations of the Committee against Torture (CAT/C/GTM/CO/5-6) and the precautionary measures requested by the Inter-American Commission on Human Rights with regard to the Federico Mora National Mental Health Hospital, in accordance with the principles and obligations set out in the Convention and these concluding observations. It also recommends establishing an independent mechanism for the monitoring of closed institutions for persons with disabilities, including those for children with disabilities, in order to prevent and protect against acts that could be considered torture or cruel, inhuman or degrading treatment or punishment.**

Freedom from exploitation, violence and abuse (art. 16)

45. The Committee is deeply concerned that many persons with disabilities, especially women and children, frequently fall victim to exploitation, violence and abuse and that there are no measures for their protection, rehabilitation or compensation. It is also concerned that instances of exploitation, violence and abuse committed against such persons, especially within the family or in institutions, are not properly investigated and that the perpetrators therefore go unpunished.

46. **The Committee recommends that the State party redouble its efforts and adopt a due diligence framework and all the necessary measures in its laws and policies to protect persons with disabilities from exploitation, violence and abuse and to ensure the proper recovery of victims in an appropriate environment. It also recommends the inclusive and accessible provision of support for victims, the implementation of a complaint mechanism and the provision of training for police, the judiciary, social workers and health professionals. In addition, the Committee urges the State party to investigate properly all instances of exploitation, violence and abuse committed against persons with disabilities, particularly against women and children, in order to ensure that they are identified, investigated and, where appropriate, prosecuted. Lastly, the Committee requests the State party to periodically compile data and statistics on the situation of persons with disabilities in respect of violence, exploitation and abuse, including information on trafficking, incest and femicide.**

47. The Committee is concerned by the lack of protocols for the registration of orphanages, hospitals, prisons, shelters and other public or private residential centres for persons with disabilities and the monitoring of conditions there.

48. **The Committee recommends that the State party set up an independent monitoring mechanism, in line with article 16 (3) of the Convention, to register and oversee conditions in residential institutions for persons with disabilities.**

Protecting the integrity of the person (art. 17)

49. The Committee is concerned that persons with disabilities, especially women and girls who have been sexually abused, deprived of their legal capacity and/or institutionalized, are subject to sterilization, abortion and other contraceptive treatments without their consent.

50. **The Committee recommends that the State party adopt all possible measures to ensure that no women or girls with disabilities are subject to forced sterilization or abortion and that all medical procedures and treatments concerning persons with disabilities are contingent on their free and informed consent.**

Liberty of movement and nationality (art. 18)

51. The Committee notes that the steps taken by the State party to promote the civil registration of children have not led to the universal registration of children with disabilities and that many such children have no name.

52. **The Committee urges the State party to ensure that all children with disabilities are immediately registered after birth, that an identity document is provided and that the National Registry Office properly registers all children with disabilities.**

Living independently and being included in the community (art. 19)

53. The Committee is concerned by the high number of children and adults with disabilities being held in institutions. The Committee is particularly concerned by the situation of persons at the Federico Mora National Mental Health Hospital, who are isolated indefinitely. It is also concerned by the large number of children, including many with disabilities, who are currently in institutions. The Committee notes with concern the lack of local community services designed to meet the needs of persons with disabilities to enable them to live independently. In addition, it is concerned by the lack of support for the families of children with disabilities to ensure that such children are able to remain in the family environment.

54. **The Committee recommends that the State party:**

(a) **Urgently draw up a strategy for the deinstitutionalization of persons with disabilities, with time frames, adequate resources and specific assessment measures;**

(b) **Allocate sufficient resources to the development of local community support services, including personal assistance, to enable all persons with disabilities, regardless of disability, gender or age, to choose freely with whom, where and in what living arrangement they wish to live;**

(c) **Provide support to families of children with disabilities to prevent family breakdown and institutionalization of the children;**

(d) **Abolish the institutionalization of children of any age.**

Freedom of expression and opinion, and access to information (art. 21)

55. The Committee is concerned that persons with disabilities are limited in their communication and access to information due to the lack of accessible formats and technologies appropriate to different kinds of disabilities. It is also concerned that indigenous persons with disabilities are not provided with any such support for communication and access to information in their native languages.

56. **The Committee recommends that the State party adopt the necessary measures to ensure the implementation of its legislation on access to information and communication in order to facilitate the access of all persons with disabilities to accessible formats and technologies appropriate to different kinds of disabilities. The latter should also be available in the native languages of the country's indigenous communities. The Committee further recommends promoting the official recognition of Guatemalan Sign Language and of Braille as the official reading and writing code for blind and deaf-blind persons.**

Respect for home and the family (art. 23)

57. The Committee notes that the Civil Code restricts the right to marry and the parental rights of some persons with disabilities. It further notes that children with disabilities living in poverty are at greater risk of abandonment and institutionalization.

58. **The Committee recommends that the State party:**

(a) **Review and harmonize the Civil Code to guarantee the right to marry and the parental rights of all persons with disabilities;**

(b) **Set up programmes to provide appropriate assistance to mothers with disabilities in the performance of their child-rearing responsibilities;**

(c) **Establish support mechanisms for families of children with disabilities to prevent abandonment;**

(d) **Replace measures to institutionalize all abandoned children with disabilities with measures to promote their adoption or placement in foster care and ensure that foster families receive the requisite support for their care.**

Education (art. 24)

59. The Committee is particularly concerned by the low rate of school attendance of children with disabilities, especially in rural areas and indigenous communities. It also notes that special education remains virtually the only option available to them, owing to the persistence of negative attitudes towards their inclusion in the national education system and the existence of barriers of all kinds.

60. **The Committee recommends that the State party, in line with the Committee's general comment No. 4 (2016) on the right to inclusive education:**

(a) **Establish, through its laws and policies, a free, high-quality, inclusive education system at all levels and guarantee the provision of reasonable accommodation for students who require it, with adequate funding and appropriate training for regular teachers;**

(b) **Adopt measures to ensure that all children with disabilities receive an education, especially those with intellectual or psychosocial disabilities, deaf-blind children and those from indigenous communities;**

(c) **Urgently implement measures to improve the accessibility of schools and all teaching materials, including the provision of textbooks in Braille and sign language interpreters, and ensure that such materials are used from the start of education;**

(d) **Be guided by article 24 of the Convention in its implementation of targets 4.5 and 4.8 of the Sustainable Development Goals.**

Health (art. 25)

61. The Committee is concerned by the inadequacy of the health system and the barriers to health service access faced by persons with disabilities, especially in rural areas and indigenous communities. It is also concerned by the fact that the Federico Mora National Mental Health Hospital is the only mental health care solution provided by the State party. It is further concerned by the restrictions and the stereotypes that persist among health professionals with regard to access to sexual and reproductive health services for women with disabilities.

62. **The Committee recommends that the State party:**

(a) **Ensure the appropriate provision of community health services for persons with disabilities throughout the country, on the basis of free and informed consent, and ensure that the pharmacological treatments needed on account of disability are provided as part of the support system, at a low cost or free of charge;**

(b) **Develop community mental health services, adopting a human rights approach;**

(c) **Ensure that women with disabilities are provided with safe and accessible sexual and reproductive health services in both urban and rural areas;**

(d) **Provide training for all health system personnel on the rights of persons with disabilities in terms of health service access;**

(e) **Take into account article 25 of the Convention in the implementation of targets 3.7 and 3.8 of the Sustainable Development Goals.**

Work and employment (art. 27)

63. The Committee is concerned that the majority of persons with disabilities are not in formal employment and do not have real and effective means of obtaining the reasonable accommodation that they require in the workplace. It is also concerned by the lack of monitoring of compliance with employment quotas in the public sector and the lack of affirmative action to accelerate the achievement of de facto equality for persons with disabilities who face the greatest difficulties in accessing the labour market, such as women and indigenous peoples, especially in rural communities.

64. **The Committee recommends that the State party promote Bill No. 4796 on the inclusion of persons with disabilities in the world of work, together with an appropriate mechanism to monitor its implementation, and ensure the provision of reasonable accommodation as required by workers with disabilities and the implementation of affirmative action to support the groups that face the greatest difficulties in accessing the labour market. It also recommends that the State party set up a mechanism for monitoring compliance with employment quotas, with penalties for non-compliance. The Committee further recommends that the State party be guided by article 27 of the Convention in its implementation of target 8.5 of the Sustainable Development Goals.**

Adequate standard of living and social protection (art. 28)

65. The Committee is deeply concerned about the exclusion, lack of access to drinking water, sanitation and decent housing, and overall conditions of poverty experienced by indigenous persons with disabilities. It is also concerned that disability is not properly taken into account in the State party's policies on indigenous peoples.

66. **The Committee recommends that the State party:**

(a) **Redouble its efforts to mainstream disability in its programmes and policies on indigenous peoples, adopting a rural and community-based approach, and ensure that the needs and views of indigenous persons with disabilities are duly taken into consideration;**

(b) **Establish and implement a system for regular monitoring of the situation of indigenous persons with disabilities;**

(c) **Take special measures to eliminate the particular disadvantages faced by indigenous women, children and older persons with disabilities who have been abandoned or live in extreme poverty;**

(d) **Be guided by article 28 of the Convention in its implementation of targets 1.3 and 1.4 of the Sustainable Development Goals.**

Participation in political and public life (art. 29)

67. The Committee is concerned by the fact that some persons with disabilities, especially those deprived of their legal capacity, those living in mental health facilities and those belonging to indigenous communities, are unable to vote and that voting procedures are not accessible. It is also concerned that ballot papers in Braille are not currently available in polling stations where they are needed and that the right to vote by secret ballot is not guaranteed.

68. **The Committee recommends that the State party take the necessary measures to ensure that all persons with disabilities are able to exercise their right to vote and to stand for election on an equal basis with others, including through the provision of accessible facilities and means of communication, in both urban and rural areas. The Committee also recommends providing a sufficient number of ballot papers in Braille in all polling stations, in order to guarantee the right to vote by secret ballot.**

Participation in cultural life, recreation, leisure and sport (art. 30)

69. The Committee notes the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and the efforts to promote the creation of a national network of entities that are authorized to produce published material in accessible formats.

70. However, the Committee is concerned that Decree No. 33-98 on copyright and related rights has not yet been brought into line with the Marrakesh Treaty and that a national network of entities that are authorized to produce published material in accessible formats has not been created.

71. **The Committee encourages the State party to expedite the harmonization of Decree No. 33-98 on copyright and related rights with the Marrakesh Treaty and the creation of a national network of entities that are authorized to produce published material in accessible formats. It further encourages the State party to improve access to information and reading for persons who are blind or visually impaired and to promote collaboration with publishing houses, libraries, documentation centres, schools and universities, among others.**

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

72. The Committee is concerned about the lack of consistent and comparable statistics on persons with disabilities and the lack of human rights indicators in the data that are available.

73. **The Committee recommends that the State party, in cooperation with persons with disabilities and their representative organizations, use a human rights-based system of indicators and a comprehensive comparable data collection system, with data disaggregated, at least, by gender, age, ethnic group, rural/urban population and type of disability. In addition, it recommends rapidly finalizing the second National Survey on Disabilities and mainstreaming disability in the twelfth Population Census and seventh Housing Census. It also recommends that the State party be guided by article 31 of the Convention in its implementation of target 17.18 of the Sustainable Development Goals.**

International cooperation (art. 32)

74. The Committee notes with concern that the limited funding sourced from international cooperation is frequently used to finance institutions where children and adults with disabilities are permanently segregated and that many such institutions are sustained by the growing trend towards voluntarism in Guatemala.

75. **The Committee recommends that the State party ensure that funding sourced from international cooperation is used in accordance with the Convention and substantially reinforce the mainstreaming of disability in the National Development Plan, K'atun nuestra Guatemala 2032.**

National implementation and monitoring (art. 33)

76. The Committee notes that the State party is working to strengthen the focal point designated to monitor implementation of the Convention; however, it is concerned that this focal point does not have sufficient material resources and qualified human resources to perform its role. It is also concerned that no independent monitoring mechanism has yet been designated, as required under article 33 (2) of the Convention. Lastly, it is concerned by the inadequate participation of persons with disabilities and their representative organizations in the national implementation and monitoring process as a whole.

77. **The Committee recommends that the State party expedite the adoption of legal reforms to strengthen the focal point and the institutions responsible for implementation of the Convention and allocate technical, material and financial resources to enable them to perform their role. It also recommends that the State party accelerate the process of designating an independent monitoring mechanism which satisfies the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and ensure that the mechanism has sufficient resources. Lastly, it recommends providing the necessary independent financial and material resources to increase the participation of organizations of persons with disabilities, in accordance with article 33 (3) of the Convention. It further recommends that the State party ensure that full consultations are held with all organizations of persons with disabilities, regardless of membership of the National Council for Persons with Disabilities.**

Cooperation and technical assistance

78. Under article 37 of the Convention, the Committee may provide technical guidance to the State party on any queries addressed to the experts via the secretariat. The State party may also seek technical assistance from United Nations specialized agencies with headquarters in the country or the region.

IV. Follow-up

Follow-up to concluding observations and dissemination

79. **The Committee requests the State party to provide, within 12 months and in accordance with article 35 (2) of the Convention, information in writing on the measures taken to implement the Committee's recommendations as set forth in paragraphs 12 and 54 above.**

80. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party forward the concluding observations, for consideration and action, to the members of the Government and the Congress, officials in the competent ministries, the members of the judiciary and of relevant professional groups, such as education, medical and legal professionals, and to local authorities, the private sector and the media, using accessible social communication strategies.**

81. **The Committee encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its next periodic reports.**

82. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, and to persons with disabilities themselves and the members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.**

Next periodic report

83. **The Committee requests the State party to submit its combined second to fourth periodic reports by 7 April 2023 at the latest and to include therein information on the implementation of the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the combined reports of a State party. The replies of a State party to such a list of issues constitute its next report.**

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